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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, QUANG N	
ART UNIT	**PAPER NUMBER**
2141	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/748,723	WILSON ET AL.	
	Examiner	Art Unit	
	Quang N. Nguyen	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *20031230&20040524*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

1. This Office Action is in response to the Applications SN 10/748,723 filed on 12/30/2003. Claims 1-56 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Koskelainen et al. (US 2004/0224710 A1), hereafter referred as Koskelainen.

4. As to claim 1, Koskelainen teaches a system for messaging, comprising:

a first client running on the wireless mobile terminal for communicating with the computer over the packet network using a push-to-talk mode *(wireless mobile terminal PTT clients 102, 104 and 106 communicating with computer PTT client 112 or computer PTT application server 116 as illustrated in Fig. 1)*;

a second client running on the computer for communicating with the wireless mobile terminal over the packet network using a push-to-talk mode *(computer PTT client 112 or computer PTT application server 116 communicating with wireless mobile terminal PTT clients 102, 104 and 106 as illustrated in Fig. 1)*; and

a server, communicating over the packet network, for forwarding messages between the first and second clients *(PTT server 110 forwarding messages between wireless mobile terminal PTT clients 102, 104, 106 and computer PTT clients 112 or computer PTT application server 116 as illustrated in Fig. 1)*.

5. As to claim 2, Koskelainen teaches the system of claim 1, wherein the wireless mobile terminal and the computer include means for sending and receiving a message type selected from the group consisting of a voice message, a text message, and a combination of the foregoing *(Koskelainen teaches today, electronic devices such as mobile phones, Personal Digital Assistants "PDAs" and the like, i.e., computers, are capable of communicating voice, data, images, video, and other multimedia content)* (Koskelainen, paragraph [0002]).

6. As to claim 3, Koskelainen teaches the system of claim 1, wherein the server includes a gateway for forwarding one or more messages from the first and second clients to an email server *(XML-encoded data including the PTT service command, i.e., one or more messages, may be passed from the PTT client 210 to the PTT server 206, and ultimately to the PTT application server 202 via a SOAP message using HTTP as*

the underlying communication protocol, wherein the PTT application server can provide any number of different services, for example and not of limitation, such services may include voice mail, text message retrieval, i.e., email service, chat history retrieval, and the like) (Koskelainen, paragraphs [0033] and [0046]).

7. As to claim 4, Koskelainen teaches the system of claim 3, wherein the server includes means for logging into the email server *(a service request including parameters identifying the address "URI" of the PTT application server, the identity/address of the client and a service command to identify the particular service desired such as text/voice message retrieval is generated and transmitted from the PTT client to the PTT server, or alternately, the URI may be hardcoded/generated at the PTT server such that the service requests are automatically routed to the appropriate PTT application server implemented as email server for processing)* (Koskelainen, paragraph [0054]).

8. As to claim 5, Koskelainen teaches the system of claim 3, wherein the server includes means for providing voice messages to a client of the email server *(the result, i.e., the retrieved voice mail/message is transmitted from the PTT application server to the requesting client by way of the PTT server)* (Koskelainen, paragraph [0009]).

9. As to claim 6, Koskelainen teaches the system of claim 1, wherein the server includes a gateway for forwarding one or more messages from the first and second clients to an external instant messaging (IM) service *(besides HTTP and SOAP, another*

representative message protocol that may be used by a PTT client 210 to access a PTT application server 202 service, such as IM service, via PTT server 206 as illustrated in Fig. 2, is signalling protocol SIP which enables messaging outside of sessions using SIP extensions for Instant Messaging) (Koskelainen, paragraphs [0034-0035]).

10. Claims 7-8 contain similar limitations of claims 4-5; therefore, they are rejected under the same rationale.

11. As to claim 9, Koskelainen teaches the system of claim 1, further comprising: means for storing the messages, accessible by the server, and means for later forwarding the stored messages to one or more recipients *(the PTT application server 202 can store a voicemail from a first PTT client 200 for subsequent retrieval by another PTT client via the PTT server 206)* (Koskelainen, paragraphs [0026] and [0033]).

12. As to claims 10-11, Koskelainen teaches the system of claim 1, wherein the messages including streaming voice or multimedia attachments *(Koskelainen teaches today, electronic devices such as mobile phones, Personal Digital Assistants "PDAs" and the like, i.e., computers, are capable of communicating voice, data, images, video, and other multimedia content, wherein streaming voice is a form of multimedia content)* (Koskelainen, paragraph [0002]).

13. As to claim 12, Koskelainen teaches the system of claim 1, wherein the server includes an application for establishing communication sessions with the first and second clients *(the PTT functionality/service is implemented using the PTT servers to handle call set-up signaling, talk spurt reservation, real-time packet routing, etc. for establishing communication sessions)* (Koskelainen, paragraphs [0025] and [0027]).

14. Claims 13-23 contain similar limitations as claims 1-12; therefore, they are rejected under the same rationale.

15. As to claim 24, Koskelainen teaches a method of messaging, comprising:

starting a client on a device selected from the group consisting of the wireless mobile terminal and the networked computer *(starting a client on PTT client 102 from the group consisting of PTT clients 102, 104, 106 and networked computer PTT client 112 as illustrated in Fig. 1)*;

the client sending a login message to a server located outside of the wireless carrier network and communicating with the client by way of a packet network *(a service request including parameters identifying the address "URI" of the PTT application server, the identity of the client and a service command to identify the particular service desired such as text/voice message retrieval is generated and transmitted from the PTT client 102 to the PTT application server 116 located outside of the wireless carrier network via the PTT server 110 as in Fig. 1)*;

the server establishing a communication session with the client in response to receiving the login message *(in response to receiving the service request for accessing a voicemail from a PTT client, the PTT application server 410 may simply initiate a one-to-one speech session and play the voicemail)* (Koskelainen, paragraph [0046]);

at the device, selecting one or more recipients for a message, the recipients including the other device from the group consisting of the wireless mobile terminal and the networked computer *(the user's selectable options in Fig. 5A include an individual 502 "Bill" and a talk group 504 "Project Team")* (Koskelainen, paragraph [0050]);

sending the message to the server by way of the packet network using a push-to-talk function provided by the client *(at that point, the user can simply press a button PTT to engage in real-time communication with the selected recipient "Bill")* (Koskelainen, paragraph [0050]); and

the server selectively forwarding the message to the recipients or storing the message, based on the respective availability of each of the recipients *(the requested service is performed at the PTT application server and the result is transmitted to the PTT client identified in the request via the PTT server)* (Koskelainen, paragraph [0009]).

16. Method claims 25-28 contain similar limitations as system claims 2-3, 6 and 10; therefore, they are rejected under the same rationale.

17. Server claims 29-38 contain similar limitations as system claims 1-12; therefore, they are rejected under the same rationale.

18. As to claim 39, Koskelainen teaches a computer program product stored on a computer-readable medium for permitting messaging between a wireless mobile terminal operating on a wireless carrier network and a networked computer on a packet network, comprising:

program code means for establishing a communication session with a server for communicating with the wireless mobile terminal and networked computer by way of a packet network *(storage 904 includes the PTT client module 930 to perform PTT communication with the PTT server)* (Koskelainen, paragraph [0065]);

program code means for presenting a user interface for composing a text message *(via the keypad 910 including alpha-numeric keys)* (Koskelainen, paragraph [0063]);

program code means for recording a voice message *(via the microphone 914)* (Koskelainen, paragraph [0063]);

program code means for presenting a user interface for selecting one or more message recipients, the message recipients including a recipient selected from the group consisting of the wireless mobile terminal and the networked computer *(via the display 908 used by the user in selecting PTT individual and group recipients)* (Koskelainen, paragraph [0063]);

program code means for sending the voice and text message to the server for delivery to the message recipients *(application module 934 supports information such as player chat, i.e., text message, voicemail, and/or other information is desirable, etc.)* (Koskelainen, paragraphs [0063-0066]).

19. As to claim 40, Koskelainen teaches the computer program product of claim 39, further comprising: program code means for sending the voice message as streaming voice *(application module 934 supports information such as player chat, voicemail, and/or other information is desirable, wherein streaming voice is a form of multimedia content supportable by the today wireless devices)* (Koskelainen, paragraphs [0066]).

20. As to claim 41, Koskelainen teaches the computer program product of claim 39, further comprising: program code means for allowing a user to send the voice message and text message using a push-to-talk mode *(via the keypad 910 which also includes a button designated for PTT activity, i.e., the "talk" button for sending the service request, i.e., sending the voice and text messages)* (Koskelainen, paragraph [0063]).

21. As to claim 42, Koskelainen teaches the computer program product of claim 39, further comprising: program code means for playing voice messages received from the server *(via the speaker 912 used for PTT activity and also used in connection with standard cellular communications)* (Koskelainen, paragraph [0063]).

22. As to claim 43, Koskelainen teaches the computer program product of claim 39, further comprising: program code means for displaying text messages received from the server *(via the display 908 which may display, among other things, the text, graphics, icons to support player chat, voicemail, etc.)* (Koskelainen, paragraph [0063]).

23. As to claim 44, Koskelainen teaches the computer program product of claim 39, further comprising: program code means for accessing a list of message recipients stored at the server *(via the display 908 which is used by the user in selecting PTT individual and group recipients)* (Koskelainen, paragraph [0063]).

24. Wireless mobile terminal claims 45-50 contain similar limitations as computer program product claims 39-44; therefore, they are rejected under the same rationale.

25. Networked device claims 51-56 contain similar limitations as computer program product claims 39-44; therefore, they are rejected under the same rationale.

26. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

27. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Q.N.

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER